

SENATE BILL REPORT

SB 5635

As Passed Senate, March 7, 2006

Title: An act relating to requiring polygraph tests.

Brief Description: Revising provisions relating to limitations on polygraph tests.

Sponsors: Senators Brandland, Kline and Delvin; by request of Criminal Justice Training Commission.

Brief History:

Committee Activity: Judiciary: 2/20/07 [DP].

Passed Senate: 3/07/07, 47-0.

SENATE COMMITTEE ON JUDICIARY

Majority Report: Do pass.

Signed by Senators Kline, Chair; Tom, Vice Chair; McCaslin, Ranking Minority Member; Carrell, Hargrove, Murray and Roach.

Staff: Juliana Roe (786-7405)

Background: Under current law, law enforcement agencies and juvenile court services agencies are authorized to require those who apply for employment to be subjected to a lie detector, or similar test, as a condition of employment. The test is allowed to be administered only at the time of the initial application.

Summary of Bill: Law enforcement agencies and juvenile court services agencies can require those who apply for employment or return after a break of more than 24 consecutive months in service as a fully commissioned law enforcement officer to be subjected to a lie detector or similar test.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: In the 1960's, the Legislature passed a bill that prohibited employers from subjecting employees to polygraph tests. In the 1990's, after the David Brame incident, the Legislature passed a law requiring law enforcement agencies to administer polygraph and psychological tests to prospective employees. Since then, a problem

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

has come to light. If an individual is already employed, and therefore, subjected to these tests upon application, but later applies for a different position and is selected for such position, the agency cannot re-administer the polygraph test that is required of a prospective employee. This is a catch-22. This bill would fill that loophole.

Persons Testifying: PRO: Gary Lucas, Clark County Sheriff; Cari Brezenick, Criminal Justice Training Commission.